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Report of the Secretary-General on the implementation of Security Council resolution 1701 (2006)

I. Introduction

1. This is the eighth report of the Secretary-General on the implementation of Security Council resolution 1701 (2006). It provides a comprehensive assessment of the steps taken to implement the resolution since the previous report of the Secretary-General was issued on 27 June 2008 (S/2008/425). The report also contains proposals for measures that could be undertaken by the parties to move closer to a permanent ceasefire and a long-term solution between Israel and Lebanon.

2. I am pleased to report that all parties continue to express their support for and commitment to resolution 1701 (2006). However, further progress in the implementation of the resolution is increasingly overdue. The parties must make greater efforts to resolve the pending issues described in the present report that hinder a permanent ceasefire between Lebanon and Israel. Achieving this will require the determination and political will of all parties to the conflict, as well as continued strong international support.

3. The political climate in Lebanon has improved in the past months, thanks to the implementation of the elements of the agreement reached by Lebanese leaders in Doha on 21 May. The election of President Suleiman on 25 May, the subsequent formation of a Government of national unity and the launching of a National Dialogue have led to a greater degree of stability in the country.

4. In spite of these positive developments, a number of serious security incidents continued to threaten Lebanon's stability. While Lebanese leaders and institutions have reacted swiftly to contain violence and investigate those incidents, they still constitute a stark reminder of the fragility of the gains made as a result of political agreements.

5. During the reporting period, the political situation in Israel has been marked by a degree of uncertainty. On 28 October, the Knesset agreed that it would dissolve. Israeli President Shimon Peres has called new elections, which will be held on 10 February 2009.

6. The cessation of hostilities between Israel and Lebanon continued to hold and the military and security situation in the area of operations of the United Nations Interim Force in Lebanon (UNIFIL) remained generally quiet. The parties continued

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to respect the Blue Line in general. UNIFIL maintained close liaison and coordination with the parties, through both the tripartite mechanism and bilateral contacts. UNIFIL and the Lebanese Armed Forces worked together closely to ensure that the area of operations was not utilized for hostile activities of any kind and was free of any unauthorized armed personnel, assets and weapons.

7. The reporting period saw notable progress with regard to Lebanon's relations with its neighbours that have a direct bearing on the implementation of resolution 1701 (2006). On 16 July, an exchange of prisoners and the remains of combatants killed in action took place between Hizbullah and Israel, bringing an end to a long and arduous negotiation facilitated by the United Nations. On 15 October, Lebanon and the Syrian Arab Republic agreed to establish diplomatic relations, effective immediately, and to work together on a number of issues of common concern, including border delineation and border security.

II. Implementation of Security Council resolution 1701 (2006)

A. Respect for the Blue Line

8. The parties generally maintained respect for the Blue Line, apart from the area of Ghajar, where the Israel Defense Forces still occupy the part of the village and an adjacent area north of the Blue Line in violation of resolution 1701 (2006). In addition, intrusions into Lebanese airspace by Israeli aircraft and unmanned aerial vehicles continued in high numbers in violation of Lebanese sovereignty and resolution 1701 (2006), which UNIFIL protested as such. The Government of Lebanon continued to protest these overflights, which the Government of Israel maintained were necessary security measures, citing alleged lack of enforcement of the arms embargo.

9. Control by the Israel Defense Forces of northern Ghajar continued to be a source of tension. On 22 August, the Government of Lebanon informed the Force Commander of its readiness to accept the UNIFIL proposal (see S/2008/425, para. 14) to facilitate the withdrawal of the Israel Defense Forces from the area, on the condition that the Government of Israel agreed to the proposal within three months, and that a date for the eventual Israeli withdrawal be established. UNIFIL has invested considerable efforts in mediating the current proposal between the parties and I hope that the Government of Israel will endorse it.

10. On two separate occasions, Lebanese and Israeli civilians were involved in smuggling illegal substances across the Blue Line. On 6 September, the Israel Defense Forces apprehended three Israeli civilians and recovered 55 kilograms of heroin in the vicinity of the Blue Line opposite the general area of Rmeich (Sector West). They also apprehended a Lebanese civilian in possession of a pistol, drugs and $650,000 south of the Blue Line. On 8 September, a UNIFIL patrol intercepted three Lebanese civilians who were found searching the ground near the location of the incident. Subsequently, the Lebanese Armed Forces apprehended them for interrogation on suspicion of being accomplices. In the second incident, on 5 October, the Israel Defense Forces detained a Lebanese civilian in possession of packages of hashish south of the Blue Line near Ghajar. In response to these violations of the Blue Line, UNIFIL increased its patrols in the affected areas.

11. There were also a small number of ground violations by local shepherds, mainly in the Shab'a Farms area. On 2 July, the Israel Defense Forces detained a Lebanese shepherd in the Shab'a Farms area for allegedly having crossed the Blue Line. He was handed over later the same day to UNIFIL, which in turn handed him over to the Lebanese Armed Forces. The UNIFIL investigation could not confirm or refute the allegation that he had crossed the Blue Line.

12. Progress on the pilot project to visibly mark a 6-kilometre stretch of the Blue Line has been slow. After extensive field work and discussions at both the bilateral level and in the tripartite forum, the parties reached agreement on a further seven points to be marked. This brings the total number of agreed points to 16, 9 of which are marked by Blue Line barrels. The parties also agreed on an additional 4-kilometre stretch to extend the pilot project. UNIFIL recently proposed a new plan to accelerate the process, which has been accepted by both parties.

13. Investigations into the two rocket attacks against Israel of 17 June 2007 and 8 January 2008 have not yielded any new information. It is important that the Lebanese authorities continue their efforts to identify the perpetrators and bring them to justice

B. Security and liaison arrangements

14. The tripartite meetings of the UNIFIL Force Commander with the senior representatives of the Lebanese Armed Forces and the Israel Defense Forces remained a vital forum in which to address key security and military operational issues, including violations of resolution 1701 (2006) and the findings of UNIFIL investigations into incidents. That forum is an essential confidence-building mechanism between the parties and a central element of liaison and coordination; both parties continued to demonstrate their commitment to it.

15. UNIFIL and the Lebanese Armed Forces Senior Command have continued the strategic review sessions regarding military tasks carried out by the two Forces in the implementation of resolution 1701 (2006). The aim of the review is to intensify cooperation in operational activities, as well as expand the coordination and liaison procedures. At the last meeting, held on 21 October and co-chaired by the newly appointed Commander of the Lebanese Armed Forces, General Jean Kahwaji and the UNIFIL Force Commander, the level of cooperation achieved thus far was assessed and, in an effort to mitigate potential effects of the reduced Lebanese Armed Forces presence (see para. 18 below), the following measures were agreed: to conduct a joint review to enhance the effectiveness of the coordinated checkpoints; to increase regular vehicle checks in particular heavy vehicles, by the Lebanese Armed Forces, when crossing into the area of operations; to intensify efforts to curtail hunters, including launching an information campaign to raise public awareness that hunting and the carrying of weapons in the area of operations is prohibited; to expand liaison arrangements at all levels; and to review operating procedures between the UNIFIL Maritime Task Force and the Lebanese Navy.

16. Joint training exercises, aimed at enhancing the operational capacity of UNIFIL and the Lebanese Armed Forces, continued. UNIFIL and Lebanese maritime forces also continued their joint training programme. Integration of the Coastal Radar Organization into the surveillance and reporting system of the Maritime Task Force and Lebanese navy units is ongoing. The Maritime Task Force

also will assist in further institutionalizing naval training programmes at the Lebanese naval training institute. Continued material and technical support over the medium to long term to enable the Lebanese navy to gradually assume responsibilities currently undertaken by the Maritime Task Force remains a high priority.

17. Coordination and liaison with the Israel Defense Forces remained good and efficient. The UNIFIL Force Commander maintained close and productive relations with his Israel Defense Forces counterparts, as well as with other senior Israeli authorities. Most recently, he met with the Israeli Minister of Defense and the Israel Defense Forces Chief of Staff to discuss issues related to the UNIFIL mandate. UNIFIL maintains a liaison team with two officers at the Israel Defense Forces Northern Command headquarters in Zefat. The Israeli Government agreed to the establishment of the UNIFIL office in Tel Aviv in February 2007. In my last report, I noted that the discussions centred on the final modalities and technical aspects of the office and were expected to be concluded soon. A further discussion took place in early November, during which Israel revisited some conceptual issues regarding the office. Overall, there has been no substantial progress during this reporting period.

C. Situation in the UNIFIL area of operations

18. In late August, owing to the deterioration of the security situation elsewhere in the country, the Lebanese authorities informed the UNIFIL Force Commander that they needed to temporarily redeploy troops from southern Lebanon to strengthen the Lebanese Armed Forces presence in the north of the country. To ensure that a reduction of Lebanese troops in the south would not negatively affect the implementation of resolution 1701 (2006), the Lebanese political authorities and senior commanders of the Lebanese Armed Forces assured the UNIFIL Force Commander that the redeployment would be limited in scope, of short duration and balanced by further enhancements of the coordinated activities. At the beginning of September, the Lebanese Armed Forces redeployed one light infantry brigade from the south to the north. As a result of its internal reorganization, the Lebanese Armed Forces currently has deployed three brigades rather than four, with some 4,500 troops south of the Litani River. In addition to the measures agreed between UNIFIL and the Lebanese Armed Forces, UNIFIL independently established additional patrols to compensate for the temporary reduction of Lebanese Armed Forces troops. In the longer term, the capacity of the Lebanese Armed Forces in southern Lebanon will need to be strengthened, including through an increase in the number of troops. The Lebanese authorities have expressed the hope that the number of troops in southern Lebanon could be increased by the end of the year.

19. UNIFIL maintained 63 permanent positions and operated approximately 150 observation posts on a daily basis. UNIFIL troops also conducted up to 400 vehicle, foot and air patrols, day and night, during each 24-hour period throughout the area of operations, in both rural and urban areas. In addition, Lebanese Armed Forces troops operated on average more than 100 checkpoints and observation posts, as well as approximately 50 patrols per day. Together, UNIFIL and the Lebanese Armed Forces operated six co-located checkpoints on the Litani River, in addition to two such checkpoints elsewhere in the area of operations and four coordinated foot patrols along the Blue Line. The two Forces also have conducted seven counter-

rocket-launching operations each 24-hour period, both day and night, during which troops patrol a selected area by vehicle and on foot and establish temporary observation posts and checkpoints to stop and check vehicles and persons moving in the area. As agreed between the two Forces in April, the number of vehicle checks in the area of operations was increased. In this way, the combined presence of UNIFIL and the Lebanese Armed Forces ensured the effective control of the area of operations.

20. In their efforts to ensure that the area between the Litani River and the Blue Line is free of unauthorized armed personnel, assets and weapons, the Lebanese Armed Forces and UNIFIL continued to discover abandoned armed-element facilities, arms and ammunition, which, as in previous discoveries, dated back to the 2006 conflict or before. UNIFIL periodically checked former armed-element facilities and installations in the area of operations, including bunkers and caves, but has not found any indication that these have been reactivated. The Lebanese Armed Forces has indicated its intention to retain some of these facilities for use by the Armed Forces for defence purposes. The Lebanese Armed Forces destroyed or confiscated all arms and ammunition found south of the Litani River.

21. On 2 August, 12 civilians were observed by UNIFIL from a distance in the vicinity of Haris (Sector East) inside the garden of a private house under construction, firing at the ground with at least two weapons. The Lebanese Armed Forces were informed. Several vehicles that had left the scene were intercepted by UNIFIL and searched by the Lebanese Armed Forces. The Lebanese Armed Forces conducted an investigation at the house where the civilians had been observed using weapons but found nothing. On 20 August, a UNIFIL patrol observed five civilians inside a vehicle near a valley west of Bayt Lif (Sector West). After hearing gunfire from the direction of the valley, the patrol dispatched to the scene, where they found some empty rifle cartridges but did not locate any persons with weapons in the vicinity. In addition, UNIFIL confronted an increased number of individuals armed with hunting rifles in the area of operations, including close to the Blue Line. Following the sighting, UNIFIL and Lebanese Armed Forces patrols were dispatched and the Lebanese Armed Forces confiscated unregistered weapons. The Lebanese Armed Forces Command issued a public statement on 25 October, calling upon all citizens to respect the ban on hunting and carrying weapons in the area south of the Litani River and warning that those violating that decision would be arrested and handed over to the judicial authorities. Subsequently, the Lebanese Armed Forces arrested a number of hunters.

22. UNIFIL continues to have freedom of movement throughout its area of operations, despite a small number of cases of stone throwing against UNIFIL patrols, as well as instances during which UNIFIL patrols were temporarily denied freedom of movement by local civilians or road obstacles. Although due consideration is given to minimizing disturbances to the civilian and economic life in the area of operations, those situations generally centred on complaints from the local population that UNIFIL was disrupting their day-to-day lives. The incidents were always brief and were resolved in cooperation with the Lebanese Armed Forces. On a few occasions, local civilians stopped UNIFIL patrols from taking photographs, and in two instances, on 10 and 26 September, snatched their cameras, which were retrieved in each case. During the second instance, which occurred along the route from Al Mansuri to Maidal Zum (Sector West), UNIFIL noted excavation works on the side of the road and was in the midst of determining its grid

position when the civilians blocked the road. The incident was quickly resolved with the assistance of the Lebanese Armed Forces, who arrested two civilians. In addition, the operational activities of UNIFIL continued to be closely monitored on occasion by unarmed civilians in various areas.

23. The overall attitude of the population towards UNIFIL remained generally positive throughout the reporting period. Building greater confidence among the local population in the Force and its mandate remained at the centre of the activities carried out by civil affairs and civil-military cooperation components. Those components of the Force continued to implement quick-impact projects funded under its budget, as well as other projects funded by troop-contributing countries. The UNIFIL civil affairs, public information, civil-military coordination and military outreach components also continued to work to inform the local population about the UNIFIL mandate. In addition, UNIFIL continued to carry out humanitarian assistance activities, as well as participate in a number of community events, encompassing art, sports and the environment.

24. As I have reported previously, the Government of Israel maintains that Hizbullah is continuing to build its military presence and capacity, largely north of the Litani River, but also in the UNIFIL area of operations, using in particular, private houses in urban areas. Israeli interlocutors at the highest level have repeatedly stated that this was of major concern for their Government. As described elsewhere in the report, UNIFIL patrols throughout its area of operations, including in urban areas, and conducts surveillance and monitoring activities, particularly at entry points and suspicious areas. In collaboration with the Lebanese Armed Forces, UNIFIL immediately investigates any claims regarding the illegal presence of armed personnel or weapons within its area of operations if specific information is received.

25. This serves to illustrate the determination of UNIFIL to act with all necessary means within its mandate. Similarly, the Lebanese Armed Forces Command has confirmed that it will act immediately on evidence of unauthorized armed personnel or weapons. However, under its mandate, UNIFIL cannot search private houses and properties, unless there is credible evidence of a violation of resolution 1701 (2006), including an imminent threat of hostile activity emanating from that specific location.

26. To date, UNIFIL has neither been provided with nor found any evidence of new military infrastructure or the smuggling of arms into its area of operations. Under the present circumstances, UNIFIL is confident that it can carry out its mandated task of ensuring, within its capabilities, that its area of operations is not utilized for hostile activities. However, it is impossible to state unequivocally that the area south of the Litani is free of any unauthorized armed personnel, assets or weapons. Ensuring this state of affairs is a long-term endeavour. UNIFIL is assisting the Lebanese Armed Forces in moving towards this aim and continues to encourage the Lebanese Armed Forces to examine ways of improving monitoring and control along the Litani River, as well as throughout the area of operations.

27. The UNIFIL Maritime Task Force continued to carry out its specific mission along the Lebanese coast to prevent the entry of unauthorized arms and related materiel. The maritime interdiction operations and significant capacity of the UNIFIL Maritime Task Force ensure effective control of the maritime traffic and prevention of unregistered entry into Lebanese ports. Since commencing its mission

in October 2006, the Task Force has hailed and queried more than 19,700 ships in the area of maritime operations. The actual inspection of suspicious vessels to verify that there are no unauthorized arms and related material on board is carried out by the Lebanese navy and customs. All 185 vessels that were identified as suspicious since October 2006 were subsequently inspected and cleared by them.

28. With increasing frequency during the reporting period, Israel Defense Forces patrol boats south of the line of buoys dropped explosive charges or fired shots as a warning to swimmers or Lebanese fishing boats approaching the line. UNIFIL has no mandate to monitor the line of buoys. However, such incidents could raise overall tension between the parties.

D. Disarming armed groups

29. As I reported to the Security Council in my eighth semi-annual report on the implementation of resolution 1559 (2004), dated 16 October 2008 (S/2008/654) and in the course of the monthly briefings on the situation in the Middle East, including the Palestinian question, a series of grave security incidents took place in Lebanon during the reporting period. Those incidents highlight how armed groups operating inside Lebanon but outside the control of the State continue to pose a serious threat to the stability of the country. President Suleiman has conveyed to me his concern over the presence and activities of extremist groups in Lebanon.

30. As indicated in my previous reports, Hizbullah continues to maintain a substantial military capacity distinct from that of the Lebanese State, in direct contravention of resolutions 1559 (2004) and 1701 (2006). I am concerned that Hizbullah may have sought to upgrade further those capabilities.

31. The continued risk that Hizbullah's separate military capacity poses to the sovereignty of the Lebanese State was evidenced on 28 August, when armed elements opened fire on a Lebanese Armed Forces helicopter patrolling north of the Litani River. The pilot, Army Lieutenant Samer Hanna, died in the attack, for which Hizbullah later admitted responsibility. One person has been arrested in connection with that attack.

32. As I have previously reported, I continue to believe that the disarmament of Hizbullah and other militias should take place through a Lebanese-led political process. Hizbullah's weapons were a major point of debate in the preparation of the Lebanese Government's ministerial statement. In the final version, adopted on 12 August, the Government asserts "the right of Lebanon, through its people, army and its resistance in liberating and regaining Shab'a Farms and Kfar Shouba Hills and the Lebanese part of Ghajar, or recover them and defend Lebanon and its territorial waters in the face of any enemy and by all available and legitimate means". The ministerial statement also confirms the Government's commitment to all the provisions of Security Council resolution 1701 (2006). In this context, I note that resolution 1701 (2006), as well as other Security Council resolutions on Lebanon, emphasize, in both letter and spirit, the disarmament of all armed groups in Lebanon and the monopoly by the Government of Lebanon on the use of force from its territory.

33. I have welcomed the start, on 16 September, of the National Dialogue under the auspices of President Suleiman, to reinforce the authority of the Lebanese State

and to discuss a national defence strategy for the country. A second session, also chaired by the President, was held on 5 November. In a communiqué released after the meeting, the parties agreed, among other issues, to continue discussion on the issue of the defence strategy and to resume the dialogue on 22 December.

34. As highlighted in my recent report on the implementation of Security Council resolution 1559 (2004) (S/2008/654), Palestinian arms inside and outside of the 12 registered refugee camps remain a serious threat to the stability and sovereignty of Lebanon. The Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifada continue to maintain paramilitary infrastructures on Lebanese territory, particularly along the Lebanese-Syrian border. While I am concerned at the frequency of security incidents inside the camps, I am encouraged by the increased security coordination between the Lebanese authorities and the Palestinian factions, as well as by efforts undertaken by the Palestine Liberation Organization, aimed at regaining control of security inside the camps. In this context, I welcome the initiatives between the Government of Lebanon and relevant Palestinian authorities to take joint responsibility for security inside the Nahr al-Bared camp, which is to be reconstructed and which is designed to serve as a model for the remaining 11 Palestinian refugee camps in Lebanon.

E. Arms embargo

35. The prohibition of the sales or supply of arms and related materiel to Lebanon, except as authorized by its Government, remains an integral element of resolution 1701 (2006) and a key factor of stability in Lebanon and the region. The resolution specified that all States were requested to take the necessary measures to prevent such sales or supply by their nationals or from their territories or using their flag vessels or aircraft.

36. I remain concerned regarding the porous nature of Lebanon's border with the Syrian Arab Republic and the continuing potential for breaches of the arms embargo on Lebanon. For this reason, on 16 July 2008, and in close consultation with the Government of Lebanon, I dispatched for a second time to Lebanon a team of independent border security experts. The team was tasked with assessing thoroughly the implementation by the Government of the recommendations of the Lebanon Independent Border Assessment Team (LIBAT I) of 22 June 2007 and to gauge the impact of those measures on progress on the ground for Lebanon's overall border management capacity.

37. On 26 August, I conveyed the report of the team of experts, known as LIBAT II, to the President of the Security Council and indicated my full support for its conclusions and recommendations. In this regard, I remain concerned regarding the team's conclusion that, despite some of the positive measures taken by the Government, there has been no decisive impact on Lebanon's overall border security and that this situation "renders Lebanon's borders as penetrable as was the case one year ago". The team reiterated the full set of recommendations contained in the LIBAT I report and proposed that the Government of Lebanon develop a strategic plan for border security. It further recommended that donor nations enhance the coordination and cooperation of their activities in accordance with the Lebanese requirements so as to achieve optimum output from their efforts.

38. Judging by consultations held by my Special Coordinator for Lebanon and his Office, the LIBAT II report was widely distributed among Lebanese and international officials and was well received by all key stakeholders. I am pleased to note that, following the recommendation in the LIBAT II report, a steering committee was formed by the Lebanese Government to begin the preparation of a border strategy for Lebanon. This process is designed to include the views and expertise of the four security agencies, as well as key Government ministries. A group of donor countries working on border management has also been assembled to assist in this process from an early stage. The steering committee held its first meeting on 31 October under the chairmanship of Prime Minister Siniora. It reaffirmed its commitment to improve border management along Lebanon's northern and eastern borders and agreed upon a mechanism and timeline to develop the border strategy.

39. The Lebanese Common Border Force comprises officers and troops from all four Lebanese security agencies. There have been no significant changes in the operations of the 800-strong force since my last report. In this period, the Force has sought to improve its operating procedures and to upgrade its facilities but, as noted in the LIBAT II report, it remains beset by challenges that have prevented the project from reaching its full implementation.

40. The Government of Lebanon, supported by donor nations, has continued its efforts to achieve further progress in other areas of border management. The Department of Customs has been reinforced with 250 new recruits who recently completed training and are currently being deployed to border crossing points and to support the Common Border Force. The crossing point at Masnaa is being redesigned and the process of fencing off the perimeter of the crossing point has started. Lebanese officials expect the construction work at the Bokaya crossing point to be completed by the end of this year, allowing for this crossing point to be reopened. The comprehensive three-year project at Beirut airport described in my last report on resolution 1701 (2006) has begun and should bring improvements in the capacity, facilities and security standards at the airport. Although the relocation of the Aboudieh crossing point to the banks of the Nahr el-Kabir river is complete, it has not yet been reopened, due to the lack of power supply.

41. I am grateful to the donor nations that are working with the Government of Lebanon on the management of the country's borders. To maximize the efficiency of their efforts, the LIBAT II team recommended the enhancement of the coordination and cooperation of their activities, in accordance with Lebanese requirements.

42. Since my last report on the implementation of resolution 1701 (2006), the Lebanese authorities have not reported any incidents of arms smuggling. As indicated in my recent report on the implementation of resolution 1559 (2004), the Syrian Arab Republic has continued to deny a role in any breach of the arms embargo. The Government of Israel continues to report that it has detailed information regarding significant breaches of the arms embargo across the Lebanese-Syrian border, including in a letter addressed to me by the Permanent Representative of Israel to the United Nations dated 6 November 2008. Those allegations were made to me by Israeli Foreign Minister Livni when I met with her on 12 November, and were also conveyed to my Special Coordinator for Lebanon during a visit to Israel on 2 and 3 November. Although the United Nations takes these claims seriously, it is not in a position to verify this information independently.

43. As indicated in my recent report on the implementation of resolution 1559 (2004), the presence of heavily armed positions belonging to the Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifada on the border between Lebanon and the Syrian Arab Republic continues to represent a worrisome anomaly. Given these challenges, I welcome the commitment made by Presidents Suleiman and Assad to undertake joint activities aimed at improving security arrangements along the border between their two countries. I have continued to encourage both Lebanon and the Syrian Arab Republic to translate this commitment into tangible action as soon as possible.

44. The deployment of Syrian troops along Lebanon's northern border started in late September and remains ongoing. Syrian authorities stated in a letter to me dated 29 October 2008 that this deployment was done "with a view to halting and preventing smuggling and sabotage" and noted that the deployment "was one of the outcomes of the Syrian-Lebanese summit, and was agreed by both Presidents". Yet, from the contacts my representatives have had with the Lebanese authorities, I conclude that that deployment could have been better coordinated with the Lebanese Government so as to clarify its purpose from the onset and thus dispel any misconceptions in that regard. In that respect, both Lebanese and Syrian senior officials have confirmed to my Special Coordinator for Lebanon that the extension of the Syrian deployment to the Eastern border that took place in late October was, this time, conducted with close coordination.

F. Landmines and cluster bombs

45. Since my last report to the Security Council, the United Nations Mine Action Coordination Centre-South Lebanon conducted an operational reassessment to review new and existing data on the contaminated area in southern Lebanon. The review established that some previously known and recorded strikes may be bigger than originally estimated. Furthermore, 74 additional cluster bomb strike locations were identified, making a total of 1,058 locations recorded thus far. As a result, the estimated contaminated area has increased to 48.1 million square metres, as opposed to the original estimate of 32 million square metres used for operational planning immediately after the war. To date, the Centre has coordinated the clearance and reduction of 40.2 million square metres of the contaminated areas through a joint effort including the Lebanese Armed Forces, UNIFIL, the United Nations and bilaterally funded clearance organizations. Since the end of the 2006 conflict, a total of 150,255 cluster munitions have been located and destroyed.

46. During the reporting period, incidents involving unexploded ordnance, including cluster munitions, have injured four civilians, bringing the total since the end of the conflict to 27 fatalities and 234 injuries among civilians. On 3 September, one UNIFIL explosive ordnance disposal expert belonging to the Belgian contingent was killed; in addition, three mine-clearance personnel were injured in separate incidents during the reporting period, bringing the respective totals to 14 killed and 41 injured.

47. The Mine Action Coordination Centre carried out a minefield clearance project in the Addaisseh area (Sector East) where more than 70,000 square metres were cleared and 4,569 mines located and destroyed in areas adjacent to the Blue Line.

This was the first such clearance project of minefields by the Centre in the sensitive areas near the Blue Line.

48. The transition process is under way to transfer primary responsibility for managing humanitarian clearance operations to the Lebanese Armed Forces in the form of the Lebanese Mine Action Centre as of 1 January 2009. This transition will divide the joint Lebanese Armed Forces-United Nations structure of the existing Mine Action Centre-South Lebanon with the Lebanese Armed Forces officers currently working there, continuing their work as a part of the new Lebanese Mine Action Centre Regional Mine Action Centre in Nabatieh, and the remaining Mine Action Coordination Centre staff will work exclusively in support of UNIFIL clearance and explosive ordnance disposal assets.

49. Since my last report to the Security Council, there has been no progress in receiving from Israel the precise technical strike data on the number, type and location of munitions fired in the 2006 conflict. In the absence of this technical strike data, the level of contamination continues to remain uncertain. United Nations efforts, both in the field and at Headquarters, to obtain the technical strike data on cluster munitions have continued. I raised the matter in my meeting with the Israeli Defence Minister, as has my Special Coordinator for Lebanon in his bilateral discussions. In addition, the issue has been consistently raised in the tripartite forum and bilaterally by the UNIFIL Force Commander. In a letter to me dated 17 October 2008, Prime Minister Siniora highlighted the fact that the lack of technical strike data made the clearance process less efficient and put the lives of Lebanese civilians at greater risk.

G. Abducted soldiers and prisoners

50. In its resolution 1701 (2006), the Security Council emphasized "the need to address urgently the causes that have given rise to the current crisis, including by the unconditional release of the abducted Israeli soldiers" (Ehud Goldwasser, Eldad Regev). In addition, it encouraged "efforts aimed at urgently settling the issue of the Lebanese prisoners detained in Israel". The Lebanese prisoners included Samir Quntar and Nassim Nisr, as well as five Hizbullah combatants captured by Israeli forces during the 2006 conflict. Both sides were also known to hold the remains of combatants killed in action during the conflict.

51. A facilitator was appointed in September 2006 to conduct negotiations on behalf of the Secretary-General. Negotiations started immediately thereafter, prefaced by exploratory contacts. Hizbullah demanded the release of all Lebanese prisoners held in Israel, as well as moves on behalf of Palestinian and Arab detainees. For its part, Israel insisted on the framework of resolution 1701 (2006) and proof that the two soldiers were alive, before any further discussions.

52. My facilitator submitted to Hizbullah a number of steps to reveal the fate of the two soldiers in return for humanitarian gestures on the Israeli side. Negotiations with the two sides continued throughout 2007, with my facilitator putting forward additional proposals.

53. On the occasion of Eid al Fitr (13 October 2007), a limited humanitarian exchange, arranged by my facilitator, took place, in which a Hizbullah sympathizer

was released by Israel, together with the remains of two fighters killed in action, in return for the remains of missing Israeli citizen, Gabriel Dawit.

54. Negotiations resumed in earnest in March 2008 and both sides reconfirmed their commitment to meet the humanitarian demands of resolution 1701 (2006). My facilitator submitted a modified draft formula to the sides, culminating in the development of a humanitarian agreement by late April 2008. The events of May 2008 in Lebanon, however, caused another delay in negotiations, which only resumed after the election of President Suleiman on 25 May 2008. On 1 June 2008, one of the Lebanese prisoners, Nassim Nisr, was released from prison, having completed a six-year jail sentence, and was repatriated to Lebanon. At the same time, Hizbullah returned the remains of some of the Israeli soldiers killed in action. Following further negotiations between my facilitator and the two sides, the humanitarian agreement was signed on 2 July by Hizbullah and by Israel the following day.

55. The humanitarian agreement provided first for an exchange of reports on humanitarian cases of particular sensitivity to the sides, including the case of Ron Arad, an Israeli airman who went missing in Lebanon in 1986, as well as on the fate of four Iranians who were abducted in Lebanon in 1982. The second phase of the agreement called for the two Israeli soldiers to be repatriated in exchange for the five Lebanese prisoners remaining in Israeli custody, the remains of eight Lebanese killed in action during the 2006 war, information on two Lebanese citizens (Yahya Skaff and Muhammad Farran), the remains of four members of the Dallal Mughrabi group as well as up to 199 other Lebanese citizens, mostly of Palestinian origin.

56. In a final phase, Israel would release Palestinian detainees "in appreciation of the successful United Nations-facilitation and in anticipation of further United Nations-sponsored support for its endeavours to uncover the fate of Ron Arad and relevant MIAs" [persons missing in action].

57. Implementation started shortly after the agreement was signed, with the exchange occurring at the border crossing of Rosh Hanikra/Ras Naquora on 16 July 2008, in accordance with a detailed schedule determined by my facilitator and supported by the International Committee of the Red Cross and UNIFIL. Speaking on 16 July, Hizbullah's leader declared that the release of the prisoners through negotiations had been completed. After 18 months of intense efforts, the humanitarian aspects of resolution 1701 (2006) had been met.

58. In a statement on the same day, I expressed satisfaction for the successful implementation of the exchange while expressing my condolences to the bereaved families. I also expressed the hope that further positive moves would take place as a result of that exchange. On 6 August, five Palestinian prisoners were freed by Israel in a move directly related to the agreement with Hizbullah. On the same day, Prime Minister Olmert announced that a large number of Palestinian prisoners would be released later in the month in a move designed to support the Annapolis peace process. On 25 August, a total of 198 Palestinian detainees were released by Israel.

H. Delineation of borders

59. I am pleased that, following their summit meeting in Damascus on 13 and 14 August, the Presidents of Lebanon and the Syrian Arab Republic announced the

reactivation of the Lebanese-Syrian committee tasked with delineating their common border. I welcome the renewed momentum to address this issue and encourage both parties to take concrete steps to act on this commitment. Syrian officials assured my Special Coordinator for Lebanon that they were ready to act on this soon. Progress on this issue would represent a significant achievement towards the full implementation of resolutions 1680 (2006) and 1701 (2006).

60. In my last report on the implementation of resolution 1701 (2006) (S/2998/425), I expressed my intention to strengthen the diplomatic process aimed at resolving the question of the Shab'a Farms in accordance with paragraph 10 of resolution 1701 (2006), and to continue my consultations on this key issue with all relevant parties. In a meeting held in Damascus on 6 November, the Foreign Minister of the Syrian Arab Republic categorically reiterated to my Special Coordinator for Lebanon that the Shab'a Farms fall under Lebanon's sovereignty. In respect to the geographical definition of Shab'a Farms, I have still not received any official response to the provisional definition from either Israel or the Syrian Arab Republic. Furthermore, the Foreign Minister of the Syrian Arab Republic informed my Special Coordinator for Lebanon that the Syrian Arab Republic does not possess the maps that I had previously requested, which would assist the precise plotting of the geographic coordinates of the relevant line.

III. Security and safety of the United Nations Interim Force in Lebanon

61. The security and safety of UNIFIL personnel remains a priority. The period under review has been one of relative calm in the area of operations, albeit punctuated by specific threat warnings. Some of these threats emanated from militant and extremist groups, including Al-Qaida. Joint efforts and cooperation with the Lebanese authorities and Lebanese Armed Forces continue to ensure that security threats to UNIFIL are addressed appropriately. Notwithstanding the obligation of all parties to ensure the safety and security of UNIFIL and the responsibility of the Government of Lebanon for law and order, UNIFIL regularly reviews all its procedures and focuses on mitigating risk to its personnel, assets and installations while ensuring mandate implementation. In this regard, in addition to electronic countermeasures to jam explosive devices, UNIFIL can rely on micro-unmanned aerial vehicles — a critical risk-mitigation asset to be utilized at the discretion of the Force Commander to enhance Force protection and civilian staff security.

62. Progress is being made on the investigations into the 24 June 2007 attack against UNIFIL. A Spanish investigative team visited Lebanon between 5 and 11 October to carry out further joint investigations with the Lebanese authorities, including a joint examination of evidence by forensic experts. A further forensics investigation of the area of the attack discovered additional items of potential evidence. The Spanish investigative team handed over to the Lebanese authorities the remnants of the vehicle which had been used as a car bomb, including the number plate for their analysis. With the formal endorsement of the Lebanese authorities, the investigative team took items of evidence that had been held in custody by the Spanish contingent in UNIFIL for further analysis to Spain.

63. A court case against a number of defendants being tried on a series of terrorist charges, including a suspect in the 16 July attack against UNIFIL at Qasmieh Bridge, started on 29 October. A warrant has also been issued for an alleged accomplice. Separately, two suspects remain in custody and three arrest warrants have been issued in relation to the 8 January 2008 attack against UNIFIL in Saida; a court hearing has been scheduled for 23 January 2009. UNIFIL has been granted observer status during the hearings of the cases.

IV. Deployment of the United Nations Interim Force in Lebanon

64. As at 11 November 2008, the total military strength of UNIFIL was 12,770 personnel, with a civilian strength of 318 international and 656 national staff members. UNIFIL is supported by 51 United Nations Truce Supervision Organization military observers of the Observer Group Lebanon. An infantry unit from Malaysia, comprising 230 troops deployed in UNIFIL towards the end of October, operates with the French Battalion in Sector West. A Force protection company of 150 personnel to secure the expanded Naqoura headquarters compound, as well as 50 additional personnel within the Force headquarters support company and 75 international military police all provided by Indonesia are expected to deploy to UNIFIL by the end of November. Additional personnel of the military community outreach unit also arrived in UNIFIL. Although the unit has not reached full staffing levels, it has been operational since August 2008. Engineering works at the expansion site of the Naqoura headquarters are under way and the first phase of the project is expected to be completed by April 2009. UNIFIL is also undertaking efforts to improve its air surveillance assets.

65. The leadership of the Maritime Task Force remains with the European Maritime Force and, since the beginning of August, is under the command of France, which succeeded Italy. The Maritime Task Force currently comprises four frigates, five patrol boats and two command and support ships. The present Force composition is sufficient to fulfil its mission.

V. Observations

66. I am pleased that there were no breaches of the cessation of hostilities between Lebanon and Israel and that a relative calm continues to prevail. However, it is clear that greater overall progress should have been achieved since the adoption of resolution 1701 (2006) in August 2006.

67. The general improvement of the situation in Lebanon, together with the continued stability in the area of operations and encouraging prospects in the region create a potential momentum that both Lebanon and Israel must seize to make bold strides towards a permanent ceasefire and long-term solution as prescribed by resolution 1701 (2006).

68. As conveyed in my recent report on the implementation of resolution 1559 (2004) (S/2008/654), I am disturbed by the repeated exchange of threats between Israel and Hizbullah, in particular when apparently directed against civilians. In this context, the Prime Minister of Lebanon, in his letters to me dated 22 August and

16 October, brought to my attention the threats made against Lebanon by Israeli officials. I reiterate my call upon all parties to refrain from statements and actions that could serve to increase tension.

69. While I am satisfied with the level and nature of cooperation between UNIFIL and the Lebanese Armed Forces in the UNIFIL area of operations, I urge the Government of Lebanon to continue to ensure that the Lebanese Armed Forces maintains a presence in the south commensurate with the important tasks it must perform there, in line with Lebanon's obligations under resolution 1701 (2006). UNIFIL assistance to the Lebanese Armed Forces cannot and should not be a substitute for it.

70. As stated in previous reports, the multiple security responsibilities of the Lebanese Armed Forces, compounded by the fact that it lacks adequate military equipment, have an impact on the pace of operations of the Lebanese Armed Forces in southern Lebanon. I am, therefore, grateful to those Member States who have provided key equipment, training and logistical support to the Lebanese Armed Forces. Continued further assistance is required to meet the critical equipment needs of the Lebanese Armed Forces and to improve its logistical and operational capabilities for it to be in a position to fully shoulder its responsibilities under resolution 1701 (2006), as well as security responsibilities in the rest of the country.

71. The monitoring of UNIFIL operations, coupled with incidents of restrictions of its freedom of movement remain a source of concern. They raise tensions and cast doubt on the motives of those involved. I underline the importance of ensuring that the area between the Blue Line and the Litani River is free of unauthorized armed personnel, assets and weapons. I call upon the Government of Lebanon to ensure the Force's full freedom of movement in its area of operations and reiterate my call to all parties to abide by their stated commitments to resolution 1701 (2006).

72. I would like to remind the parties of their commitment to respect the Blue Line, as identified by the United Nations in 2000. I am concerned at the amount of time and negotiation it has required to make even incremental progress in visibly marking the Blue Line. I hope that new momentum can be generated following the agreement on the new strategy and urge the parties to maximize their cooperation with UNIFIL and focus on this practical objective in order to reduce the number of inadvertent violations and to build confidence.

73. I have taken note of the delay in the opening of the UNIFIL office in Tel Aviv and call upon the Israeli authorities to extend all the necessary support to UNIFIL in order to enable it to proceed with the establishment of the office.

74. The signing of an agreement between Lebanon and the Syrian Arab Republic providing for the establishment of diplomatic relations heralds potential future progress on a number of issues of common interest that have a bearing on obligations under resolution 1701 (2006), including the delineation of their common border and increased cooperation on border security. I urge the Governments of Lebanon and the Syrian Arab Republic to take practical and concrete steps in the near future to delineate their common border. In the meantime, I will continue my diplomatic efforts aimed at resolving the issue of the Shab'a Farms area, in accordance with paragraph 10 of resolution 1701 (2006). I will keep the Council informed.

75. I encourage the parties to proceed on the basis of the UNIFIL proposal (see S/2008/425, para. 14) to facilitate the withdrawal of the Israel Defense Forces from the part of the village of Ghajar and a small adjacent area north of the Blue Line, without which Israel will not have completed its withdrawal from southern Lebanon in accordance with its obligations under resolution 1701 (2006). Agreement on and implementation of the UNIFIL proposal would not only contribute to strengthening security and stability on the ground, but also would demonstrate the commitment of the parties to the full implementation of resolution 1701 (2006).

76. I reiterate the need for the immediate and unconditional respect of the arms embargo on Lebanon, which is a fundamental aspect of resolution 1701 (2006). It must be observed fully and without exception. Regional parties, particularly those that maintain ties with Hizbullah and other groups in Lebanon, are obliged to abide fully by the arms embargo. Any breach of this is a violation of Lebanese sovereignty and threatens the stability of the country and of the region as a whole.

77. The goal of assisting Lebanon to improve its border management capacity is a key area, and one in which my Special Coordinator will remain engaged. I believe the recommendations made in the LIBAT II report provide a useful basis for further action by the Government of Lebanon with support from the international community. That report pointed to a number of recommendations that could be easily implemented without political, structural and financial implications. I welcome the steps taken by the Government of Lebanon since the LIBAT II report was issued, in particular for bringing together the relevant Lebanese security agencies and donors to start a process that is intended to design a comprehensive and inclusive border strategy. This strategic planning process will need to have clear ownership from all relevant Lebanese authorities if it is to chart a clear way forward. I call upon the donor community to support these efforts in a coordinated fashion and to address specific areas in which the Lebanese authorities may require assistance.

78. I welcome the decision of Lebanon and the Syrian Arab Republic to further improve joint security along their common border in accordance with the agreement reached between Presidents Suleiman and Assad and resolutions 1680 (2006) and 1701 (2006). In this respect, I welcome steps taken by the Syrian authorities to keep their Lebanese counterparts informed of the deployment of Syrian troops along the eastern border of Lebanon, so as to dispel any misperceptions caused by such manoeuvres in the past.

79. I remain concerned by the presence of armed groups operating inside Lebanon and beyond the control of the State. The presence of these groups is a challenge to the stability and sovereignty of Lebanon. Their continued presence and activity hampers the full implementation of resolution 1701 (2006). I note that the ministerial statement of the Cabinet approved by the Lebanese Parliament on 12 August confirmed the Government's commitment to resolution 1701 (2006) in all its provisions. In this context, I firmly believe that key issues are to be resolved through diplomatic means and I expect all parties to respect their commitments and step up their efforts in this respect, in accordance with the requirements of resolution 1701 (2006).

80. The National Dialogue represents a complex and essential process that touches on core issues relating to the existence and character of the Lebanese State. It is my

hope that the leaders in the National Dialogue will look to these fundamental issues in their coming sessions, and that they will remain engaged in this process.

81. I call again upon Israel to cease immediately all overflights of Lebanese territory, as they are violations of Lebanese sovereignty and of resolution 1701 (2006) and cause tension among the local population, in addition to undermining the credibility of UNIFIL and the Lebanese Armed Forces.

82. I reiterate with the utmost urgency my call upon the Government of Israel to provide the technical strike data on the type, quantity and specific coordinates of the sub-munitions fired during the 2006 conflict. That crucial information would greatly increase the rate at which clearance operations are proceeding in southern Lebanon and reduce the number of incidents for both civilians and mine-clearance experts. With each passing day in the absence of this information, the list of casualties from the 2006 war risks growing longer.

83. I am pleased that the issue of the abducted Israeli soldiers and of the Lebanese prisoners detained in Israel has finally been resolved. I express my deepest condolences to the families of the deceased soldiers and regret that resolving their fate took such a long time. While the exchange of letters on missing Israeli airman Ron Arad and the four Iranian citizens who disappeared in Beirut in 1982 was helpful, I remain convinced that more could be done to finally resolve these cases, which are now more than 20 years old. The United Nations stands ready to help in any way that it can.

84. I commend the Government of Lebanon for its commitment to improving the living conditions of Palestinian refugees in and outside the camp areas, as reaffirmed in its recent ministerial statement, without prejudice to the settlement of the Palestinian refugee question in the context of an eventual Arab-Israeli peace agreement. Many donor countries have responded generously to the appeals issued by the Government of Lebanon and the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the reconstruction of the Nahr el-Bared refugee camp and adjacent affected Lebanese communities. However, more funds need to be secured if this enormous project is to be a success.

85. I am grateful to all troop-contributing countries for their ongoing commitment to UNIFIL and to the implementation of resolution 1701 (2006). I emphasize once again the need for continued support for UNIFIL, including the commitment to contribute the troops and assets necessary to enable the Force to efficiently and effectively perform all of its mandated activities on land and at sea. I wish to strongly commend the UNIFIL Force Commander and the military and civilian peacekeeping personnel who continue to play a critical role in helping to promote peace and stability in southern Lebanon, as well as the Special Coordinator for Lebanon and the staff of his Office. At the same time, I remain concerned for the safety and security of United Nations personnel and urge all parties to abide by their obligation to ensure their safety and security.

86. In the coming months, Israel and Lebanon have an opportunity to move away from confrontation by making further progress in the implementation of resolution 1701 (2006). I call upon their leaders to seize the moment that is afforded to them, for the good of their peoples and for the stability of the region.

87. I note positively that Lebanon's neighbours, Israel and the Syrian Arab Republic, continue to hold indirect talks mediated by Turkey. This welcome effort

has the potential to improve security and stability throughout the region and in Lebanon in particular. I am grateful for the diplomatic efforts of Turkey in this respect. I remain convinced that all possible efforts must be exerted to achieve a just, lasting and comprehensive peace in the Middle East.

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